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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,225	11/19/2003	Hiromasa Tanobe	5259-000034	6024
27572	7590	08/06/2008		
HARNESS, DICKEY & PIERCE, P.L.C.				
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BLOOMFIELD HILLS, MI 48303				
EXAMINER				
SINGH, DALZID E				
ART UNIT		PAPER NUMBER		
2613				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,225

Applicant(s)

TANOBE ET AL.

Examiner

Dalzid Singh

Art Unit

2613

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) 34-118 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-33 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chae in the article "A Protected Optical Star-Shaped Ring Network Using an N x N Arrayed Waveguide Grating and Incoherent Light Sources"

Regarding claim 1, Chae discloses an optical communication system, as shown in Fig. 1, comprising:

an NxN wavelength path establishment circuit (NxN AWG) having N input ports and N output ports, N being an integer of at least 2, outputting light input from an input port to a different output port depending on the wavelength of the input light, and the wavelength of light output from an output port being different depending on the input port;

n communication nodes, n being an integer at least 2 and not greater than N, for outputting information of an input optical data signal, as is or after changing a part of the information, as an optical data signal of a predetermined wavelength; and

optical waveguides for connecting the input ports and the output ports of the NxN wavelength path establishment circuit, and the communication nodes, wherein for at least some of the n communication nodes, in order to form at least one logical-ring transmission path where an optical data signal transmitted from one communication node returns to the one communication node via other communication nodes, a correlation of wavelengths for connecting between the input ports and the output ports of the NxN wavelength path establishment circuit, wavelengths of optical data signals output from the respective communication nodes, and connections between the input ports and the output ports of the NxN wavelength path establishment circuit, and the respective communication nodes are set (it is inherent that the wavelength is capable of returning to the originating node since the system is a ring network).

Chae et al do not disclose that in order to form at a first logical-ring transmission path where an optical signal transmitted from one communication node circulates in a clockwise direction and returns to the one communication node via other communication nodes.

The claim requires only one logical-ring transmission path by transmitting from one node and circulates back to that node via other nodes. As shown in Fig. 2 of Chae et al, the nodes are connected in a circular fashion forming a ring. Chae et al provide connection in a ring where the signal transmitted from one node is circulated around the ring and back (see Fig. 2), therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the contents of

the tables by means of programming or other methods, such that the signal transmitted from one node is circulated back to that via other nodes in a clockwise direction. The motivation of providing such configuration is to provide service to a particular location in a desired order.

Allowable Subject Matter

3. Claims 2-33 are allowed.
4. Claims 34-118 have been withdrawn from consideration; however such claims must be cancelled prior to allowance.

Response to Arguments

5. Applicant's arguments filed 05 May 2008 have been fully considered but they are not persuasive.

On the remark of page 61, applicant argues that since Chae is unable to establish any one of the routes claimed. Claim 1 recites, *"...in order to form a first logical-ring transmission path where an optical signal transmitted from one communication node circulates in a clockwise direction and returns to the one communication node via other communication nodes or to form both the first logical-ring transmission path and a second logical-ring transmission path..."*

The claim requires only one logical-ring transmission path by transmitting from one node and circulates back to that node via other nodes. As shown in Fig. 2 of Chae

et al, the nodes are connected in a circular fashion forming a ring. Applicant further argues that the signal is transmitted not in a clockwise fashion since the tables establishing such connection do not allow for clockwise circulation. However, Chae et al provide connection in a ring where the signal transmitted from one node is circulated around the ring and back (see Fig. 2), therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the contents of the tables by means of programming or other methods, such that the signal transmitted from one node is circulated back to that via other nodes in a clockwise direction.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalzid Singh/
Primary Examiner
Art Unit 2613